THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

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WRIT PETITION NO.27408 of2006

15th March 2007

Between:

1. Smt.Hafeezunnisa Begum, D/o.Late Mohd.Khaja Sharfi, 38 years, Occ.House Hold.

And two others.

...PETITIONERS

AND

1. N.Rajshekara Babu, S/o.N.Rajaiah, 65 years, Occ.Business, R/o.H.No.8-2-168/13/39, Lakshminagar, S.R.Nagar, Hyderabad-38.

And ten others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.27408 of 2006

ORDER: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides. At their request, the Writ Petition itself is taken up for disposal at the admission stage.

The petitioners, who are the applicants before the Land Grabbing Court, seek Writ of Mandamus to eschew the documents, Exs.B4 to B34 marked on behalf of the second respondent in O.P.No.911 of 1991 during the operation of stay in C.M.P.No.15555 of 2004 in C.R.P.No.5361 of 2004 in their absence and without considering the objections with regard to such documents. It is the case of the petitioners that they are not original documents and they are copies. Even otherwise, they are covered by the provisions of the Stamp Act etc. None of these objections were considered and straight away they were marked, which have to be eschewed. Hence, the Writ Petition.

Having heard the learned counsel on either side and on perusal

of the material available on record, we are of the view that these objections are no doubt before the Court below in regard to the admissibility of the documents in law and hence, the same can as well be considered at the time of the disposal leaving it open for the petitioners to raise all the objections in regard to these documents and the same would be considered on merits and appropriate finding would be given at the time of final disposal. It is also left open for the petitioners to take steps to cross examine the witness on these documents.

Subject to the above, the Writ Petition is dismissed. No costs.

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(B.PRAKASH RAO, J)

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(M.VENKATESWARA REDDY, J)

15th March 2007

Note: CC by one week
B/O
RRB